

## PATENT

**REMARKS****1. Examiner Interview**

Applicants note with appreciation the telephonic interview conducted between Applicants' attorney, Joe Van Leeuwen, Applicants' patent agent, Scott Schmok, the Examiner, and the Examiner's supervisor on February 24, 2004. During the telephonic interview, Applicants' patent agent discussed the differences between Applicants' invention over the prior art in that the prior art reference cited (Cole, U.S. Patent No. 6,005,578 and Weinberg et al. (hereinafter Weinberg), U.S. Patent No. 6,237,006) that neither reference, either alone or in combination with one another, teach or suggest *"identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers"* and *"applying the display attributes corresponding to the layer for each of the matched objects"* as claimed by Applicants.

Although Applicants' patent attorney and patent agent do not concede that the cited references teach or suggest Applicants' claimed invention, Applicants' attorney suggested amending claims 1, 9, and 13 to emphasize the layer highlighting aspects of the claimed invention. The Examiner suggested that the proposed amendment would distinguish the claimed invention over the art of record. Applicants have made such amendments to independent claims 1, 9, and 13. While no agreement was reached regarding the claims, Applicants respectfully submit that, as explained in further detail below, the amendments made to claims 1, 9, and 13, place these claims in condition for allowance.

**2. Summary**

Claims 1-20 are currently pending in the application. Claims 1, 9, and 13 are independent claims. Claims 1, 9, and 13 have been amended. No claims have been canceled, or added. Reconsideration of the claims is respectfully requested.

**3. Claim Rejections 35 U.S.C. § 103**

The Office Action mailed December 5, 2003, maintains rejection of claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable in view of new grounds of rejection,

Docket No. RSW920000176US1

Page 9  
Redpath et. al.

Atty Ref. No. IBM-R106

## PATENT

specifically over Cole and further in view of Weinberg. This rejection is respectfully traversed.

Applicants assert that the Office Action fails to establish a prima facie case of obviousness under § 103 as set forth in § 103 and the MPEP. MPEP 2142 states that:

*"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure."*

Applicants assert that the Office Action fails to show that the cited references teach or suggest all of Applicants' claim limitations. In particular, Applicants assert that the Office Action fails to show that the cited references teach or suggest, either alone or in combination, changing the appearance of an object based upon the object's associated layer as claimed by Applicants. Support for Applicants' assertion is set forth in detail below.

Applicants also assert that the rejection uses impermissible hindsight in concluding that Applicants' claims are obvious. As stated in MPEP § 2145:

*"Applicants may argue that the examiner's conclusion of obviousness is based on improper hindsight reasoning. However, "[a]ny judgment on obviousness is in a sense necessarily a reconstruction based on hindsight knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." In re McLaughlin, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971)."*

Applicants assert that the rejection relies on knowledge gleaned only from Applicants' disclosure in contravention of MPEP § 2145. Applicants' claimed invention changes the appearance of particular objects based upon an object's associated

## PATENT

layer. Applicants' claimed invention displays objects that correspond to computer components in a manner allowing a system administrator to effectively manage a computer network. In contrast, Cole does not teach or suggest changing the appearance of an object, but rather "organiz[es] objects into navigable structures" (col. 1: 66-67, emphasis added) because Cole's intent is to "*provide a system that allows users to navigate between visual objects*" (col. 1; 60-61, emphasis added), such as "*in the case of a interactive television system*" (col. 2: 13-14). For example, Cole states that a "*user may interactively cause the navigator to cycle forward or backwards through the chain of linked visual objects included in a level. The user may also cause the navigator to move from a visual object to the next higher or lower visual object in an adjacent level*" (col. 2: 30-35).

As for Weinberg, Weinberg teaches the manipulation of display attributes of particular nodes. However, Weinberg does not teach or suggest the use of layers, and, therefore, does not associate his nodes to particular layers. The combination of Cole with Weinberg results in manipulating display attributes of particular nodes that are associated to a layer, but does not result in teaching or suggesting, either alone or in combination with one another, changing the appearance of an object based upon an object's associated layer as claimed by Applicants. Therefore, since Cole and Weinberg do not teach or suggest, either alone or in combination with one another, the association of display attributes to layers, it is apparent that (1) Applicants' claimed invention was rejected based upon the use of impermissible hindsight, and (2) Applicants' invention is not obvious, and therefore allowable, over Cole in view of Weinberg.

The limitations set forth in Applicants' claim 1, as amended, include:

- selecting one or more objects to be displayed in a plurality of layers;
- identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers;
- matching each of the objects to one of the layers;

## PATENT

applying the display attributes corresponding to the layer for each of the matched objects; and

displaying the objects with the applied display attributes, wherein the objects in a first layer from the plurality of layers are distinguished from the objects in the other plurality of layers based upon the display attributes of the first layer.

Applicants have amended the fifth element of claim 1 to add the limitation of *"wherein the objects in a first layer from the plurality of layers are distinguished from the objects in the other plurality of layers based upon the display attributes of the first layer"* in response to the telephonic interview conducted with the Examiner as discussed above. Neither Cole nor Weinberg, teach or suggest, either alone or in combination with one another, distinguishing an object from other objects based upon the object's associated layer as claimed by Applicants. Therefore, claim 1 as amended is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

In addition to Applicants' amendment of claim 1, Applicants' second element of claim 1 includes the limitation of *"identifying a plurality of display attributes, wherein one or more of the display attributes corresponds to each of the layers."* Applicants' display attributes might include attributes such as *"color hue, color value, color saturation, size, three dimensional image, two dimensional image, animation, shading, fill pattern, line pattern, line weight, opaqueness, transparency, proximity, shape, and object anomaly"* (claim 6, lines 3-7). In other words, Applicants' display attributes correspond to the object's appearance.

In contrast, Cole uses layers to organize objects into groups, but Cole does not teach or suggest, in whole or in part, identifying display attributes, and, therefore, does not teach or suggest, identifying a plurality of display attributes to correspond to a layer as claimed by Applicants. Specifically, Cole points out that

*In many cases, the navigable structure may be organized using one or more themes. For example, in the case of interactive television systems, it would be appropriate to devote each level to a different genre of programming, such as comedy movies, action movies, and so on. As another*

## PATENT

*example, an interactive learning system might devote upper [layers] to space and sky and lower [layers] to earth and sea. (col. 2: 12-18)*

The office action posits that Cole teaches that different shapes are available for displaying an object and that the shape of an object can be considered as an attribute. Cole, however, provides no such teaching. Instead, Cole teaches changing the shape of the navigable structure, and not changing the shape of an object as suggested by the Office Action. Specifically, Cole states that “navigable structure 200 may be displayed as a wide range of shapes including regular shapes such as cylinders...” (col 3: 66-col.4:1).

In addition, Applicants forth element of claim 1 adds a limitation of “*applying the display attributes corresponding to the layer for each of the matched objects.*” In contrast, as discussed above, Cole does not teach or suggest using display attributes to change the appearance of an object and, therefore, does not teach or suggest Applicants’ forth element of claim 1. The Office Action suggests incorporating the teaching of Weinberg with that of Cole to specify display attributes to correspond to a layer. Weinberg teaches the use of an API to change display attributes of nodes and links. Specifically, Weinberg states that his “*architecture includes an API...that allow[s] other applications (plug-ins) to, among other things, manipulate the display attributes of the nodes and links within a site map*” (col. 2: 62-66, emphasis added). However, Weinberg does not teach or suggest the use of layers, but rather suggests the manipulation of an object (e.g. node or link) on an individual basis using a separate application through an API. Therefore, Cole and Weinberg, either alone or in combination with one another, do not teach or suggest, in whole or in part, “*applying display attributes corresponding to a layer for each...object*” as claimed by Applicants.

Therefore, for at least the aforesaid reasons, neither the Cole reference nor the Weinberg reference teach or suggest, alone or in combination with one another, the limitations of Applicants’ claim 1 as amended. Therefore, claim 1 as amended is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

Docket No. RSW920000176US1

Page 13  
Redpath et. al.

Atty Ref. No. IBM-R106

## PATENT

Claim 9 as amended is an information handling system claim including the same limitations as set forth in claim 1, so rejections to claim 9 as amended are traversed for at least the same reasons set forth above for amended claim 1. Claim 13 as amended is a computer program product claim including the same limitations as set forth in claim 1 as amended, so the rejection to claim 13 is traversed for the same reasons as amended claim 1.

Notwithstanding that fact, that claim 2 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 2 is also allowable as this claim is not obvious in light of Cole in view of Weinberg. Claim 2 further limits claim 1 by claiming the additional limitations of:

- receiving a request from a user to rearrange the layers;
- rearranging the layers in response to the request, the rearranging including:
  - re-matching one or more objects to a different layer from the plurality of layers;
  - applying the display attributes corresponding to the different layer to the one or more re-matched objects; and
  - displaying the one or more re-matched objects.

Applicants' second element of claim 2 adds the limitation to claim 1 of "*rearranging the layers in response to the request....*" In contrast, when Cole receives a user request, Cole displays an object corresponding to the user request and does not teach or suggest, in whole or in part, rearranging the layers. Specifically Cole teaches that "*the user may interactively cause the navigator to cycle forward or backwards through the chain of linked visual objects included in a level.*" (col. 2: 30-32). Furthermore, as discussed above, since Weinberg does not use layers, Weinberg does not teach or suggest, in whole or in part, rearranging layers. Therefore, Applicants assert that neither Cole nor Weinberg teach or suggest, alone or in combination with one another, the limitations of claim 2. Therefore, Applicants assert that the rejection of claim 2 has been traversed and claim 2 is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

## PATENT

Claim 10 is an information handling system claim including the same limitations as set forth in claim 2, so rejections to claim 10 is traversed for at least the same reasons set forth above for claim 2. Claim 14 is a computer program product claim including the same limitations as set forth in claim 2, so the rejection to claim 14 is traversed for the same reasons as claim 2.

Notwithstanding that fact, that claim 8 is dependent upon amended claim 1 and is therefore allowable for at least the same reasons as claim 1, claim 8 is also allowable as this claim is not obvious in light of Cole in view of Weinberg. Claim 8 further limits claim 1 by claiming the additional limitation of:

determining a layer order for the plurality of layers, wherein the layer order determines a display emphasis corresponding to objects in the corresponding layers.

Cole does not determine a layer order but rather navigates between layers depending on user input. In addition, Cole does not teach or suggest determining a display emphasis to correspond to objects in the corresponding layers. Furthermore, Weinberg, as discussed above, does not teach or suggest using layers and, therefore, does not teach or suggest determining a layer order. Therefore, Applicants assert that neither Cole nor Weinberg teach or suggest, alone or in combination with one another, the limitations of claim 8. Therefore, Applicants assert that the rejection of claim 8 has been traversed and claim 8 is allowable under 35 U.S.C. § 103 over Cole in view of Weinberg.

Claim 20 is a computer program product claim including the same limitations as set forth in claim 8, so the rejection to claim 20 is traversed for the same reasons as claim 8

Claims 3 through 7 are dependent upon claim 1 and therefore are allowable for at least the same reasons as claim 1 as described above. Claims 11-12 are dependent claims of claim 9 and therefore are allowable for at least the same reasons as claim 9 is

## PATENT

allowable. Claims 15 -19 are dependent claims of claim 13 and therefore are allowable for at least the same reasons as claim 13 is allowable.

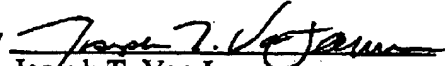
**CONCLUSION**

As a result of the foregoing, it is asserted by Applicants that the amended claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By



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